

1937

c 208 Matrimonial Causes Act

Ontario

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CHAPTER 208.

The Matrimonial Causes Act.

Alimony.

1. In any action for divorce or to declare the nullity of any marriage, the Court may order that the husband shall secure to the wife, unless she has been guilty of adultery, such gross sum of money or annual sum of money for any term, not exceeding her life, as, having regard to her fortune, if any, and to the ability of the husband and to the conduct of the parties, may be deemed reasonable and may suspend the pronouncement of the judgment absolute until all necessary deeds and instruments have been executed. 1931, c. 25, s. 2.

Alimony.

2.—(1) In addition to or in substitution for an order under section 1 the Court may direct the husband to pay to the wife, unless she has been guilty of adultery, during the joint lives of the husband and wife and so long as she remains chaste such monthly or weekly sum for her support and maintenance as the Court may think reasonable, provided that,—

Proviso.

- (a) if the husband after any such order becomes, from any cause, unable to make the payments, the Court may discharge or modify the order or temporarily suspend the order in whole or in part and may subsequently revive it in whole or in part as may be deemed proper;
- (b) if the means of the husband shall at any time after the making of such order be increased, the Court may, if it is deemed proper, increase the amount payable under any such order;
- (c) such payments shall cease on the wife marrying again.

Interim alimony.

(2) The Court shall have the same power to make an order for the payment of interim alimony as in the case of an action for alimony. 1931, c. 25, s. 3.

Court may order settlement of wife's property.

3. If a judgment for divorce is pronounced by reason of the adultery of the wife and it appears that the wife is entitled to property either in possession or reversion, the Court may order such settlement as it thinks reasonable of her property

or any part thereof for the benefit of the children of the marriage or their issue or any or either of them. 1931, c. 25, s. 4.

4. If a judgment for divorce is pronounced and it appears that a marriage settlement has been made, the Court may make such order with reference to the application of the whole or any part of the property settled for the benefit of the children of the marriage as the Court may under all the circumstances of the case deem proper. 1931, c. 25, s. 5.

Power of Court where marriage settlement.

5.—(1) In any action for divorce the Court may from time to time and either before or after the judgment absolute, make such provision as appears to be just with regard to the custody, maintenance and education of the children of the marriage and may direct payment by either the father or the mother of such sum as may be necessary for the due care, maintenance and education of the children of the marriage.

Power as to custody of children.

(2) An application under this section may be made by either husband or wife or by the children by their next friend either at the hearing of the case or upon summary application therein. 1931, c. 25, s. 6.

Who may make application.

6. After the granting of a judgment absolute of divorce the wife shall be regarded as a *feme sole* so far as her property and her right to contract are concerned. 1931, c. 25, s. 7.

After divorce wife a *feme sole*.

7. The rules passed by the Judges of the Supreme Court relating to the conduct of matrimonial causes are confirmed and declared to have the same force and effect as if they were embodied in this Act, but the Judges may nevertheless from time to time pass rules for the repealing, amending or varying the same. 1931, c. 25, s. 8.

Rules made confirmed with right to repeal, amend, etc.